Immunocept, LLC, et al v. Fulbright & Jaworski Doc. 6

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ________
DEPUTY

IMMUNOCEPT, LLC, PATRICE ANNE LEE, and JAMES REESE MATSON,
Plaintiffs,

-vs- **Case No. A-05-CA-334-SS**

FULBRIGHT & JAWORSKI, LLP,
Defendant.

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following scheduling order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by **October 3, 2005**.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **November 2, 2005**, and each opposing party shall respond, in writing, by **November 16, 2005**. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees at the conclusion of trial.

3. The parties shall file all amended or supplemental pleadings and shall join additional parties by **December 15, 2005**.

4. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file, a summary of testimony of any witness who will present any opinion in trial in an expert report by **November 14, 2005**. Any opinion or testimony not contained in the summary will not be permitted at trial. Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed

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exhibits, and shall serve on all parties, but not file, a summary of testimony of any witness who will present any opinion in trial in an expert report by **November 29, 2005**. Any opinion or testimony not contained in the summary will not be permitted at trial. All designations of rebuttal experts shall be filed within **fifteen (15) days** of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **eleven (11) days** of receipt of the written report of the expert's proposed testimony or within **eleven (11) days** of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before **February 13, 2006**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than **February 20, 2006** and shall be limited to **ten (10) pages**. Responses shall be filed within **eleven (11) days** of the service of the motion and shall be limited to **ten (10) pages**. Any replies shall be filed within **eleven (11) days** of the service of the response and shall be limited to **five (5) pages**, but the Court need not wait for the reply before ruling on the motion.

8. This case is set for docket call **March 31, 2006, at 11:00 a.m.** and trial in the month of **April 2006**. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

SIGNED this the **4th** day of August 2005.

Sam Sparks

UNITED STATES DISTRICT JUDGE